

Town Board Minutes  
February 14, 2017

The monthly meeting of the Torrey Town Board was held on February 14, 2017 at 56 Geneva St. Dresden New York and called to order by Supervisor Flynn at 7:30PM.

Present: Supervisor Patrick Flynn, Councilman; Burge Morris, Colby Petersen, Peter Martini and Lawrence Martin

Others present: George Thompson, Dave Granzin, Dwight James- Code Officer, Mary Lilyea, John Christensen

Supervisor Flynn led the pledge of allegiance.

Supervisor Flynn presented the 2017 Inter-municipal agreement with Yates County Real Property Tax Service for Pictometry. Motion Mr. Morris 2<sup>nd</sup> Mr. Petersen authorizing the supervisor to sign the agreement for 2017 with the town share \$ 1099.71, carried.

Supervisor Flynn presented the abstracts of voucher for review

Motion by Mr. Morris, 2<sup>nd</sup> Mr. Petersen that the bills on the General A & B accounts in the amount of \$ 12,713.48 be paid, carried

Motion by Mr. Petersen 2<sup>nd</sup> Mr. Martini, that the bills on the Hwy DA & DB accounts in the amount of \$ 6,393.09 be paid carried.

Motion by Mr. Petersen 2<sup>nd</sup> Mr. Morris, that the 1<sup>st</sup> payment in the Fire contract in the amount of \$ 32,000 be paid, carried.

Supervisor Flynn introduced a resolution for Local Law 1-17 entitled Amending Steep Slopes

**WHEREAS**, the Town Board of the Town of Torrey, after due deliberation, finds it in the best interests of the Town to schedule a public hearing to solicit public comment upon a proposed Local Law entitled, “A Local Law Amending Local Law No. 4 of 2009 (Regulations for Steep Slopes)”; and

**WHEREAS**, the Town Board of the Town of Torrey has reviewed the draft of the aforementioned proposed Local Law attached hereto as Exhibit "1" and deems it in the best interests of the Town of Torrey to proceed in accordance with the Code of the Town of Torrey and the Laws of the State of New York in adopting said Local Law,

**WHEREAS**, this action by the Town Board is a “Type II” action under the regulations promulgated by authority contained in the State Environmental Quality Review Act (SEQRA), which appear in 6 NYCRR Part 617.5, thereby requiring no further action by the Town Board, in that Part 617.5 (c) states that actions that are not subject to review under SEQRA include, “(27) adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list” and subsection (20) on this list includes “routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”. This action involves

continuing agency administration and management in that it will enact a law amending an existing steep slope regulation that is administrative in nature, is more restrictive than the existing regulation it is amending and will not, therefore, affect the environment.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Clerk be, and she hereby is, directed to schedule a public hearing to be held on March 14, 2017, at 7:30 p.m. at the Torrey Town Hall, 56 Geneva Street, Dresden, New York; and be it further

**RESOLVED**, that the Town Clerk, be and hereby is, authorized to forward to the official newspaper(s) of the Town a Notice of Public Hearing in the form and to post a copy of the proposed Local Law on the Town of Torrey sign board and t, authorized to provide all other notices as required by law for the adoption of this local law.

Motion by Mr. Morris 2<sup>nd</sup> Mr. Petersen to accept Resolution calling for public hearing on Local Law 1/17 carried by all.

Community Bank NA has requested that the Towns Collateral Requirement contract to be reviewed and recommended increasing the amount as this has not been done since 1995. After a discussion motion made by Mr. Martini 2<sup>nd</sup> Mr. Petersen authorizing the Supervisor to sign the new contract with the collateral increase to S 2,250,000, carried.

Motion by Mr. Martin, 2<sup>nd</sup> Mr. Morris to approve January 10<sup>th</sup> and 12<sup>th</sup> meeting minutes, carried.

Supervisor Flynn introduced the NYS SEQRA for Water District 1 and declared the Town of Torrey lead agency. The Town Board members reviewed each question and responded. Supervisor Flynn offered following resolution, a

#### **DETERMINATION OF SIGNIFICANCE CREATION OF WATER DISTRICT NO. 1**

**WHEREAS**, the Town of Torrey Town Board, hereinafter referred to as Town Board, has determined the above referenced action to be an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations, and,

**WHEREAS**, the Town Board has reviewed and accepted the Environmental Record prepared on said action, and

**WHEREAS**, the Town Board has considered the potential impacts associated with said action.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Town Board makes this Determination of Non-Significance based upon: the Clark Patterson Lee map, plan and report last dated June 2016; the Town Board Public Hearing Record on said action; and, the Environmental Record prepared on said action.

**BE IT FURTHER RESOLVED THAT**, the Town Board makes this Determination of Non-Significance based on the following reasons supporting this determination:

1. The Town Board considered the action as defined in subdivisions 617.2(b) and 617.3(g) of Part 617 of the SEQR Regulations; and,
2. The Town Board did review the EAF, the criteria contained in subdivision (c) of 617.7 and other supporting information to identify the relevant areas of environmental concern; and,



**WHEREAS**, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the Town Board that approval of this District would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQR.

**NOW, THEREFORE**, upon the evidence given at said public hearing, be it **RESOLVED** as follows:

1. That said Petition is signed, acknowledged or proved as required by law and is otherwise sufficient;
2. The Order Calling Public Hearing was duly published in the Town's official newspaper on January 2, 2017 and duly posted on the Town's official sign board on December 26, 2016, all as required by law and is otherwise sufficient;
3. All of the property owners within the proposed District are benefited thereby;
4. All of the property and property owners benefited are included within the limits of the proposed District;
5. It is in the public interest to establish said District;
6. The proposed expenses for on-going maintenance and capital improvements, as set forth in the Map, Plan and Report referred to herein, be and are hereby approved;
7. The costs and expenses of the proposed on-going construction, on-going maintenance and improvements associated with said District be assessed, levied and collected from the several lots and parcels of land within said District in proportion as nearly as may be to the benefit which each lot or parcel will derive therefrom;
8. The benefit basis will be calculated based on equivalent dwelling units (EDU) where one single family home/apartment equates to one unit, a two-family residence is assigned two units, and so on. Vacant land not within a certified agricultural district will be assessed one-half (0.5) of a unit. Additionally, any facility will be considered as a minimum of one unit with non-residential, recreational, educational, commercial, industrial and agricultural facilities being assigned an equivalent number of units based on the following method:

The average daily usage divided by 300 gpd (Average Daily Usage /300 = number of units)

The Average Daily Use will be based on the Design Standards for Wastewater Treatment Works – Intermediate Sized Sewerage Facilities (New York State Department of Environmental Conservation, 1988)

9. That the establishment of the District, as set forth in said Map, Plan and Report, be and hereby is approved; that the improvements therein mentioned be

constructed; and such District shall be bounded and described as set forth in Exhibit 1 attached hereto and made a part hereof; and be it further resolved

10. That a certified copy of this Resolution, along with an application for approval of the creation of this District, be filed in the office of the State Department of Audit and Control at Albany, New York.

Motion of Mr. Morris, 2<sup>nd</sup> Mr. Petersen to approve the Creation of Water District 1 in aforementioned resolution, by roll call vote

Supervisor Flynn Aye

Councilman Morris – Aye

Councilman Petersen – Aye

Councilman Martin – Aye

Councilman Martini – Aye      5 Ayes 0 Nays - Approved Creation of Water District 1

Supervisor. Flynn presented a proposal from Municipal Solutions - Financial Advisors to complete the USDA Rural Development Initial application prepare full application, negotiate borrowing, a full fee schedule was submitted.

Motion by Mr. Martin 2<sup>nd</sup> Mr. Morris, authorizing the Supervisor to sign the contract with Municipal Solutions as Financial Advisory on Perry Pt Water District carried by all.

Supervisor Flynn presented a proposal from Clark Patterson & Lee Engineering. CP & L are offering their Engineering services for the Perry Point Water District.

Motion Mr. Petersen, 2<sup>nd</sup> Mr. Martini to authorize the Supervisor to sign the contract with Clark Pattersen & Lee to prepare the Environmental Report for Perry Pt Water District for \$ 4800., carried by all.

Supervisor Flynn introduced the NYS SEQRA for Perry Pt Water District and declared the Town of Torrey lead agency.

The Town Board members reviewed each question on the report.

Supervisor Flynn offered following resolution, a

**DETERMINATION OF SIGNIFICANCE**  
**CREATION OF THE PERRY POINT WATER DISTRICT**

**WHEREAS**, the Town of Torrey Town Board, hereinafter referred to as Town Board, has determined the above referenced action to be an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations, and,

**WHEREAS**, the Town Board has reviewed and accepted the Environmental Record prepared on said action, and

**WHEREAS**, the Town Board has considered the potential impacts associated with said action.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Town Board makes this Determination of Non-Significance based upon: the Clark Patterson Lee map, plan and report last dated August 2016; the Town Board Public Hearing Record on said action; and, the Environmental Record prepared on said action.

**BE IT FURTHER RESOLVED THAT**, the Town Board makes this Determination of

Non-Significance based on the following reasons supporting this determination:

1. The Town Board considered the action as defined in subdivisions 617.2(b) and 617.3(g)
2. The Town Board did review the EAF, the criteria contained in subdivision (c) of 617.7 and other supporting information to identify the relevant areas of environmental concern; and,
3. The Town Board did thoroughly analyze the identified relevant areas of environmental concern to determine if the action may have significant adverse impact on the environment; and
4. The Town Board did set forth its determination of significance in written form containing a reasoned elaboration and providing reference to all supporting documentation.

Motion of Mr. Petersen, 2<sup>nd</sup> Mr. Martin to adopt the aforementioned resolution, by roll call vote

Supervisor Flynn Aye

Councilman Morris – Aye

Councilman Petersen – Aye

Councilman Martin – Aye

Councilman Martini – Aye

5 Ayes 0 Nays

SEQRA for Perry Pt water District: Negative Declaration Determination adopted.

**Supervisor Flynn offered the following resolution**

**APPROVING CREATION OF THE PERRY POINT WATER DISTRICT**

**WHEREAS**, a written Petition last dated November 7, 2016, has been presented and filed with the Town Clerk of the Town of Torrey, Yates County, New York, requesting establishment of the Perry Point Water District (the “District”) with boundaries as described in a Map, Plan and Report relating to the establishment of the District, attached hereto as Exhibit 1, and the Map, Plan and Report, last dated August, 2016, was prepared by Clark Patterson Lee in a manner and such detail as has been determined by this Town Board to be sufficient and has been duly filed with the Town Clerk, in accordance with the requirements of Article 12 of the Town Law; and

**WHEREAS**, an Order was duly adopted by this Town Board on December 13, 2016, reciting the filing of said Map, Plan and Report, the improvements proposed, the boundaries of the proposed District, the fact that the Map, Plan and Report describing the same were on file in the Town Clerk's Office for public inspection, and stating all other matters required by law to be stated, and specifying January 12, 2017, at 7:00 p.m., at the Torrey Town Hall, 56 Geneva Street, Dresden, New York, as the place where this Town Board would meet and consider said Map, Plan and Report and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as required or authorized by law; and

**WHEREAS**, due to the expectation of large attendance at the public hearing, the hearing was relocated to the Dresden Fire House, which is located approximately 500 feet away from the Torrey Town Hall at 1 Firehouse Avenue, Dresden, New York; and

**WHEREAS**, the Town arranged for signage to direct people from the Town Hall to the Dresden Fire House and also had people stationed at the Town Hall directing people down the street to the Dresden Fire House; and

**WHEREAS**, the hearing on said matter was duly held by said Town Board on January 12, 2017, at the Dresden Fire House, at which all interested persons desiring to be heard were heard; and

**WHEREAS**, pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law it has been determined by the Town Board that approval of this District would not have a significant effect upon the environment and could be processed by other applicable governmental agencies without further regard to SEQR.

**NOW, THEREFORE**, upon the evidence given at said public hearing, be it **RESOLVED** as follows:

1. That said Petition is signed, acknowledged or proved as required by law and is otherwise sufficient;
2. The Order Calling Public Hearing was duly published in the Town's official newspaper on January 1, 2016 and duly posted on the Town's official sign board on December 26, 2016, all as required by law and is otherwise sufficient;
3. All of the property owners within the proposed District are benefited thereby;
4. All of the property and property owners benefited are included within the limits of the proposed District;
5. It is in the public interest to establish said District;
6. The proposed expenses for on-going maintenance and capital improvements, as set forth in the Map, Plan and Report referred to herein, be and are hereby approved;
7. The costs and expenses of the proposed on-going construction, on-going maintenance and improvements associated with said District be assessed, levied and collected from the several lots and parcels of land within said District in proportion as nearly as may be to the benefit which each lot or parcel will derive therefrom;
8. The benefit basis will be calculated based on equivalent dwelling units (EDU) where one single family home/apartment equates to one unit, a two-family residence is assigned two units, and so on. Vacant land not within a certified agricultural district will be assessed one-half (0.5) of a unit. Additionally, any facility will be considered as a minimum of one unit with non-residential, recreational, educational, commercial, industrial and agricultural facilities being assigned an equivalent number of units based on the following method:

The average daily usage divided by 300 gpd (Average Daily Usage /300 = number of units)

The Average Daily Use will be based on the Design Standards for Wastewater Treatment Works – Intermediate Sized Sewerage Facilities (New York State Department of Environmental Conservation, 1988)

9. That the establishment of the District, as set forth in said Map, Plan and Report, be and hereby is approved; that the improvements therein mentioned be constructed; and such District shall be bounded and described as set forth in Exhibit 1 attached hereto and made a part hereof; and be it further resolved

10. That a certified copy of this Resolution, along with an application for approval of the creation of this District, be filed in the office of the State Department of Audit and Control at Albany, New York.

Motion of Mr. Petersen, 2<sup>nd</sup> Mr. Morris to approve the Creation of Perry Pt. Water District in aforementioned resolution, by roll call vote

Supervisor Flynn Aye

Councilman Morris – Aye

Councilman Petersen – Aye

Councilman Martin – Aye

Councilman Martini – Aye

Approved the Creation of Perry Point Water District            5 Ayes 0 Nays

Old Business

Supervisor Flynn presented a response letter to the Towns request for proposals regarding water supply to Perry Point. The Town sent out 2 RFPs last month to the Villages of Dresden and Penn Yan.

Village of Penn Yan responded 1/24/17 that Torrey's expectation to receive Penn Yan produced water through Village of Dresden's water system would require agreements between the Town and Village of Penn Yan to acquire the water. The Village of Dresden would need an agreement with the Town for delivery of water through their system.

No action taken.

Supervisor Flynn presented the revised 6 month Assessor Contract with Town of Benton for 2017. Assessor Mary Lilyea plans to retire July 1, 2017.

Motion Mr. Morris, 2<sup>nd</sup> Mr. Martin authorizing the Supervisor to sign 2017 6- month Assessor contract with Town of Benton for \$ 17,988. Carried by all.

Supt. Tim Chambers gave the Highway report... He has been working with NYS DOT in Hornell on Town roadway. DOT would like all the Town roads accurate identified as accepted and confirmed with official length by resolution.

Motion by Mr. Morris 2<sup>nd</sup> Mr. Martini offering the following resolution,

**BE IT HEREBY RESOLVED** by the Town of Torrey is confirming the acceptance of the below listed road(s) as Town road(s) and acknowledges that the Town of Torrey maintains the road(s) including all repairs and capital maintenance, that the Town of Torrey accepts all legal responsibility for the road(s) which includes liability in case of lawsuits, and that the roadway is fully open to the public at all times (excepting construction and short term weather-related issues).

Chidsey Road from the Milo T/L to the End of road for a total length of 0.37 Miles

Feagles Road from End of Road to Swarthout Road for a total length of 0.36 Miles

Jensen Road (f/k/a Swamp Road) from Benton T/L to CR 9 for a total length of 0.87

Miles Log Cabin Ext. from Log Cabin Rd to End of Road for a total length of 0.12 Miles

Wood Road from Milo T/L to the End of Road for a total length of 0.05 Miles

The following vote was taken and recorded in the public or open session of said meeting:

**Roll Call Vote**

Supervisor Flynn Aye Councilman Petersen – Aye Councilman Morris – Aye

Councilman Martin – Aye Councilman Martini – Aye

Adopted 5 Aye 0 Nays the aforementioned resolution.



Dwight James gave the Code report. 20 permits issued. 1 Special Use application, 1 steep slopes application, 3 site visits, 2 building progress visits, 2 meetings, 2 plans under review. Updated the town cell phone to a smart phone that will integrate with the permit system for photos and onsite visit notes.

Mary Lilyea reported a meeting scheduled for February 22, 2017 with Benton Supervisor John Pendergast, Real Property Director, Pat Brede, Supervisor Flynn and herself. Discussion will be on replacement for Assessor position for 7/1/17.

Supervisor Flynn made motion to adjourn 2<sup>nd</sup> Mr. Morris and carried at 8:30  
Respectfully submitted,

Betty M. Daggett